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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10 SACRAMENTO DIVISION
11

12 **RONNIE CHEROKEE BROWN,**

13 Plaintiff,

14 v.

15 **A. DHILLON,**

16 Defendant.
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2:20-cv-02175-CKD

**DEFENDANT'S ANSWER TO
PLAINTIFF'S COMPLAINT**

Judge: The Honorable Carolyn K.
Delaney
Trial Date: Not Set
Action Filed: October 29, 2020

19 Defendant A. Dhillon answers Plaintiff's complaint as follows:

- 20 1. Responding to paragraph A.1 of the pre-printed form complaint, Defendant admits that this
21 Court has jurisdiction.
- 22 2. Responding to paragraph A.2 of the pre-printed form complaint, Defendant admits that the
23 incident alleged in the complaint occurred at California State Prison, Sacramento.
- 24 3. Responding to B.1 of the pre-printed form complaint, Defendant admits that A. Dhillon was
25 employed at California State Prison, Sacramento during the incident alleged in the complaint.
- 26 4. Responding to C.1 of the pre-printed form complaint, Defendant lacks information
27 sufficient to form a belief about the truth of the remaining allegation in this paragraph, and on that
28 basis, denies the allegation.

1 5. Responding to C.2 of the pre-printed form complaint¹, Defendant lacks information
2 sufficient to form a belief about the truth of the remaining allegation in this paragraph, and on that
3 basis, denies the allegation.

4 **CLAIM ONE**

5 6. Responding to D.1 of the pre-printed form complaint, Defendant denies.

6 7. Responding to D.2 of the pre-printed form complaint, Defendant denies.

7 8. Responding to D.3² of the pre-printed form complaint, Defendant admits that A. Dhillon
8 was employed and assigned to California State Prison Sacramento during the time alleged in the
9 complaint. Defendant denies that Defendant denied Plaintiff medical attention; that Defendant
10 acted with deliberate indifference towards Plaintiff; that Defendant willfully, intentional, and
11 purposefully acted to harm Plaintiff; that Defendant cause Plaintiff pain and suffering; that
12 Defendant acted with a culpable state of mind to a foreseeable risk to Plaintiff's health and safety;
13 that Defendant intentionally ignored federal laws; that Plaintiff is entitled to punitive damages;
14 that Defendant has been sued by other inmates for similar situations; and that Defendant hides
15 behind the excuses of Covid-19 pandemic. Defendant lacks information sufficient to form a
16 belief about the truth of the remaining allegations in this paragraph, and on that basis, denies the
17 remaining allegations.

18 9. Responding to D.4 of the pre-printed form complaint, Defendant denies that Defendant
19 caused Plaintiff any suffering in violation of federal laws and that Defendant acted maliciously
20 and sadistically. Defendant lacks information sufficient to form a belief about the truth of the
21 remaining allegations in this paragraph, and on that basis, denies the remaining allegations.

22 10. Responding to D.5 of the pre-printed form complaint, Defendant lacks information
23 sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis,
24 denies the allegations.

25 _____
26 ¹ Plaintiff attached an additional page of previous lawsuits (page 3 of the ECF pagination).
Defendant's response includes addressing these previous lawsuits.

27 ² Plaintiff attached two additional pages of allegations in support of his Claim One (pages
28 6-7 of the ECF pagination). Defendant's response here addresses the allegations in those
additional pages as well.

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2 **CLAIM TWO³**

3 11. Responding to Claim II.1, Defendant denies.

4 12. Responding to Claim II.2, Defendant denies.

5 13. Responding to Claim II.3, Defendant admits he was employed and assigned to California
6 State Prison, Sacramento during the incident alleged in the complaint. Defendant denies that
7 Defendant constantly denied Plaintiff medical attention; that Defendant acted with deliberate
8 indifference in violation of the Eighth and Fourteenth Amendment; that Defendant willfully,
9 intentionally, or purposefully acted to harm Plaintiff; that Defendant acted with deliberate
10 indifference to Plaintiff's personal safety; that Defendant acted with a culpable state of mind to a
11 foreseeable risk to Plaintiff's health and safety; that Defendant disregarded risks by refusing to
12 take reasonable measures to abate the risks to Plaintiff; and that Defendant knowingly,
13 concertedly, and intentionally violated the law of the United States. Defendant lacks information
14 sufficient to form a belief about the truth of the remaining allegations in this paragraph, and on
15 that basis, denies the remaining allegations.

16 14. Responding to Claim II.4, Defendant lacks information sufficient to form a belief about the
17 truth of the allegations in this paragraph, and on that basis, denies the allegations.

18 15. Responding to Claim II.5, Defendant lacks information sufficient to form a belief about the
19 truth of the allegations in this paragraph, and on that basis, denies the allegations.

20 **REQUEST FOR RELIEF**

21 16. Responding to E.1, Defendant denies that Plaintiff is entitled to any relief in this paragraph.

22 17. Responding to E.2, Defendant denies that Plaintiff is entitled to any relief in this paragraph.

23 18. Responding to E.3, Defendant denies that Plaintiff is entitled to any relief in this paragraph.

24 19. Responding to E.4, Defendant denies that Plaintiff is entitled to any relief in this paragraph.

25 20. Responding to E.5, Defendant denies that Plaintiff is entitled to any relief in this paragraph.

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27 _____
28 ³ Plaintiff attached an additional page, page 5 (ECF Numbering) of the Complaint, for his second claim.

AFFIRMATIVE DEFENSES

AS SEPARATE AND AFFIRMATIVE DEFENSES, Defendant alleges as follows:

21. Defendant asserts that because the Complaint is couched in conclusory terms, Defendant cannot anticipate fully all affirmative defenses that may be applicable to this matter.

Accordingly, Defendant reserves the right to assert additional affirmative defenses if and to the extent they are or become applicable.

22. Defendant asserts that at all relevant times, they acted within the scope of discretion, with due care and good faith in fulfillment of their responsibilities pursuant to all applicable statutes, rules, regulations, and practices; within the bounds of reason under all circumstances known, and with the good faith belief that her actions comported with all applicable federal and state law.

Defendant therefore asserts their immunity from liability.

23. Defendant asserts that Plaintiff's Complaint and each alleged cause or action therein, fails to state facts sufficient to constitute a cause of action as to Defendant.

24. Defendant asserts that Plaintiff has not been deprived of any rights, privileges, or immunities guaranteed by the laws of the United States or by the laws of the State of California.

25. Defendant asserts that any statements attributed to Defendant in Plaintiff's Complaint may or may not be true and complete in all particulars, respect and details.

26. Defendant asserts that he has performed all obligations to Plaintiff pursuant to any and all statutes or other law described in Plaintiff's Complaint, and any deficiencies in performance were caused by Plaintiff and/or other individuals or entities not named as defendants in Plaintiff's Complaint.

27. Defendant asserts that Plaintiff has suffered no injury or harm.

28. Defendant alleges that Plaintiff is estopped from claiming the damages requested.

29. Defendant is not vicariously liable for any act or omission of any other person, by way of respondeat superior or otherwise.

30. Defendant asserts that Plaintiff has failed to mitigate his damages, if there are any.

31. Defendant asserts that Plaintiff's claims and requests for relief are barred, limited, or controlled by the Prison Litigation Reform Act.

1 32. Defendant alleges that Plaintiff has failed to exhaust his administrative remedies.

2 33. Defendant alleges that, at all relevant times, his actions were reasonably related to
3 achieving legitimate penological goals.

4 34. Defendant alleges that he is not liable because his conduct was not a proximate cause of
5 harm, if any, to Plaintiff.

6 35. Defendant asserts that Plaintiff's claims are barred by the doctrines of res judicata,
7 collateral estoppel, and claim preclusion.

8 36. Defendant asserts that Plaintiff's own conduct contributed to his own damages, or that
9 Plaintiff is contributorily negligent.

10 37. Defendant asserts that he did not act with malicious intent or with reckless disregard for
11 Plaintiff's rights and therefore are not liable for punitive damages.

12 38. Defendant asserts that Plaintiff's request for relief may be moot.

13 **DEMAND FOR JURY TRIAL AND PRAYER FOR RELIEF**

14 39. Defendant demands under Federal Rule of Civil Procedure Rule 38 that this matter be tried
15 by and before a jury to the extent provided by law.

16 40. Defendant prays for judgment as follows:

17 A. That judgment be rendered in favor of Defendant and against Plaintiff;

18 B. That Plaintiff takes nothing by this action;

19 C. That Defendant be awarded costs of suit and attorney's fees; and

20 D. That Defendant be awarded such other relief as this Court deems proper.
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Dated: August 9, 2021

Respectfully submitted,

ROB BONTA
Attorney General of California
MARISA KIRSCHENBAUER
Supervising Deputy Attorney General

/s/Daniel Duan
DANIEL DUAN
Deputy Attorney General
Attorneys for Defendant

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CERTIFICATE OF SERVICE

Case Name: **Brown, Ronnie Cherokee v. A.
Dhillon**

No. **2:20-cv-02175-CKD**

I hereby certify that on August 9, 2021, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

I further certify that some of the participants in the case are not registered CM/ECF users. On August 9, 2021, I have caused to be mailed in the Office of the Attorney General's internal mail system, the foregoing document(s) by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within three (3) calendar days to the following non-CM/ECF participants:

Ronnie C. Brown (P17249)
California Health Care Facility - Stockton
P.O. Box 213040
Stockton, CA 95213
In Pro Se

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on August 9, 2021, at San Francisco, California.

R. Lagumen
Declarant

/s/ R. Lagumen
Signature